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<b>To:</b>	<b>FROM:</b>	<b>SEP 29 2004</b>
Examiner J. Kavanaugh	Byron S. Kuzara	
<b>COMPANY:</b>	<b>DATE:</b>	
U.S.P.T.O.	September 29, 2004	
<b>FAX NUMBER:</b>	<b>TOTAL NO. OF PAGES:</b>	
703-872-9306	3	
<b>RE:</b>	<b>OUR REFERENCE NO.:</b>	
U.S. Serial No. 10/767,710	005127.00282	

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<b>NAME:</b>	Lesa Wolman	<b>PHONE:</b>	503-425-6800
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**COMMENTS:**

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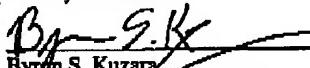
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I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office at telephone number (703) 872-9306 on September 29, 2004.

Respectfully submitted,



By: **Byron S. Kuzara**  
Registration Number 51,255  
Banner & Witcoff, Ltd.

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<i>In re Application of</i>	)	Group Art Unit: 3728
Patricia L. Smaldone, et al.	)	Examiner: Kavanaugh, John T.
Serial No. 10/767,710	)	Docket No. 005127.00282
Filed: January 28, 2004	)	
For: ARTICLE OF FOOTWEAR HAVING A	)	
SOLE STRUCTURE WITH ADJUSTABLE	)	
CHARACTERISTICS	)	

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
Alexandria, VA 22313

Sir:

In response to the Restriction Requirement of September 24, 2004, Applicants elect Species I, which relates to Figures 1-5. This election is made without traverse. Applicants submit that each of claims 1-14 is readable upon the figures relating to Species I. Accordingly, the Applicants respectfully await an examination on the merits of claims 1-14.

This Response is being timely filed by virtue of its facsimile transmission on September 29, 2004. Should additional fees or an extension of time be deemed necessary for consideration of this Response, such fees or extension are hereby requested and the

Commissioner is authorized to charge deposit account number 19-0733 for the payment of the requisite fee.

Respectfully submitted,

By:   
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Registration No. 51,255

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Dated: September 29, 2004